THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 24th October,2006

W.P.No.29308 of 1995

Between :

The President, Kondakarla
Cooperative Milk Producers Society,
Kondakarla, Visakhapatnam
District ... Petitioner

and

The Presiding Officer,
Labour Court, Visakhapatnam
and another ... Respondents

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ORAL ORDER:

This Writ Petition is directed against an Order dated 7-9-1995 made in I.A.Nos.103 and 104 of 1995 in I.D.No.191 of 1992 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam.

It seems, the 2nd respondent-workman was removed from service of the petitioner-society. Thereafter, he raised a dispute. The same was numbered as I.D. 191 of 1992 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam. The evidence of both sides was closed and the I.D. was posted for arguments to 13-2-1995. At that stage, the present applications in I.A.Nos.103 of 104 of 1995 were filed to reopen the evidence to enable the petitioner herein to examine a witness and to issue summons to one Satyanarayana to prove the certificate given by him. After hearing both sides and after an elaborate consideration of the matter, the applications were dismissed. Aggrieved by the same, the present Writ Petition is filed.

The Tribunal found that there are no sufficient grounds to reopen the matter and thus dismissed the applications. As stated above, the applications were filed after the evidence of both sides was closed and the matter was posted for arguments. The reasons assigned by the Tribunal for dismissing the applications are cogent and convincing and do not call for interference of this Court under Article 226 of the Constitution of India. That apart, this Writ Petition is of the year 1995 and no interim order was passed while admitting the

same. Now, it is more than 11 years. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

24-10-2006

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